

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: James Thompson et al.  
Serial No.: 09/767,374  
Filing Date: January 22, 2001  
Group Art Unit: 2452  
Confirm: 2543  
Examiner: Dohm Chankong  
Title: *DISTRIBUTED NETWORK COMMUNICATION  
SYSTEM WHICH ALLOWS MULTIPLE WIRELESS  
SERVICE PROVIDERS TO SHARE A COMMON  
NETWORK INFRASTRUCTURE*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**Statement in Response to Notice of Panel Decision**

In response to the Notice of Panel Decision from Pre-Appeal Brief Review dated March 29, 2011, Applicants respectfully request appropriate docketing of the Application in light of the comments below.

**REMARKS**

The Notice of Panel Decision from Pre-Appeal Brief Review indicates that the Pre-Appeal Brief Request for Review filed February 11, 2011, was improper because a proposed amendment is included with the Pre-Appeal Brief request. As indicated by the Response to Non-Final Office Action dated March 1, 2011, shortly after filing the Pre-Appeal Brief Request for review, Applicants conducted an interview with Examiner Dohm Chankong on February 24, 2011.

Applicants, through its attorneys, discussed the differences between the pending claims and cited art. Despite the filing of an Pre-Appeal Brief Request for Review, Examiner Chankong recommended that Applicants file an amendment for his consideration. Examiner Chankong also confirmed that he would reopen prosecution via telephone on April 8, 2011. Therefore, Applicants believe (and Examiner confirms) that the filing of the Response to Non-Final Office Action and the Examiner's agreement to reopen prosecution obviates the necessity to respond to the Notice of Panel Decision dated March 29, 2011.

Accordingly, Applicants respectfully request that this Application be appropriately docketed by the Patent Office. If Applicants' understanding is incorrect, Applicants kindly request clarification in a future action.

**CONCLUSION**

If a telephone conference would advance prosecution of this Application, the Examiner may call Mark J. Spolyar, Attorney for Applicant, at 650-739-7511.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any extra fees and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants

A handwritten signature in black ink, appearing to read "Mark Spolyar", written in a cursive style.

Mark J. Spolyar  
Reg. No. 42,164

Date: April 8, 2011

**Customer Number: 05073**